

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of

Inventor : LATTNER et al.  
Appln. No. : 10/623,328  
Conf. No.: : 3272  
Filed: : 18 July 2003  
Title: : INTRAORAL ELECTROMUSCULAR STIMULATION DEVICE  
AND METHOD  
Group Art Unit : 3766  
Examiner : Thomas, Jonathan B.  
Docket No. : 98-15 D1

\* \* \* \* \*

20 August 2008

**INTERVIEW SUMMARY**

***VIA EFS***

Mail Stop APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTRODUCTORY REMARKS**

This Interview Summary is being submitted in response to the Official communication dated 18 August 2008.

**CERTIFICATE OF AUTHORIZATION/ELECTRONIC FILING**

This paper (along with any referred to as being attached or enclosed) is being electronically filed with the U.S. Patent and Trademark Office by the below-named person under the authority of the undersigned agent/attorney of record on 20 August 2008.

  
Dana Young

**(1) Participants:**

- (a) Jonathan B. Thomas (Examiner)
- (b) Richard J. Coldren (Applicant's representative)
- (c)
- (d)

**(2) Date of Interview:** 22 May 2008

**(3) Type:**

- ☒ Telephonic
- ☐ Video Conference
- ☐ Personal [copy given to: ☐ Applicant ☐ Applicant's Representative]

**(4) Exhibit shown or demonstration conducted:** ☐ Yes ☒ No

If Yes, brief description:

**(5) Claim(s) discussed:** N/A.

**(6) Identification of prior art discussed:** N/A.

**(7) Agreement with respect to the claims:** ☐ was reached. ☐ was not reached. ☒ N/A.

**(8) Substance of the interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:**

A first Examiner's Answer was mailed on 15 April 2008. A second Examiner's Answer was mailed on 16 May 2008. Applicant's Representative called to inquire as to why the second Examiner's Answer was mailed and as to whether the first or second Examiner's Answer would be used to calculate the due date for filing the Reply.

The Examiner stated that the second Examiner's Answer was mailed a) to add the heading "Real Party in Interest", b) to add the In re Aller cite as "evidence relied upon", and c) to slightly change the wording of Section 9.

The Examiner stated that the reply date would be determined by the mailing date of the second Examiner's Answer (i.e., calculated from 16 May 2008).

The Examiner also stated that he would complete an interview summary and mail it to the Applicant's Representative verifying that the new due date was 16 July 2008.

Respectfully submitted,

By Richard J. Coldren  
Richard J. Coldren  
Reg. No.: 44,084  
Tel. No.: (724) 387-4455  
Fax No.: (724) 387-5021

RESPIRONICS, INC.  
1010 Murry Ridge Lane  
Murrysville, PA 15668-8525